

THE FOLLOWING JUDICIAL REVIEW PACKET IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE CSED MAKES NO REPRESENTATIONS REGARDING THE MERITS OF YOUR CASE OR WHETHER JUDICIAL REVIEW IS APPROPRIATE IN YOUR CASE.

Dear Interested Party:

You may appeal the CSED's final decision or order by filing a Petition for Judicial Review in District Court.

1. Before requesting judicial review, you must:
  - a. have exhausted all administrative remedies available within the CSED; and
  - b. have been aggrieved by the CSED's decision. (2-4-702(1)(a) and 40-5-253(1) MCA)
2. Your petition for judicial review must contain:
  - a. a statement of the facts upon which jurisdiction and venue are based;
  - b. a statement describing how you have been aggrieved;
  - c. a statement of your grounds for relief; you must show that your substantial rights were prejudiced because:
    - (i) the administrative findings, inferences, conclusions, or decisions are:
      - in violation of constitutional or statutory provisions;
      - in excess of the statutory authority of the agency;
      - made upon unlawful procedure;
      - affected by other error of law;
      - clearly in error based on the reliable, probative, and substantial evidence on the whole record;

- arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or
- (ii) the findings of fact essential to the decision were not made, although you requested them. (2-4-704(2) MCA)

d. the relief which you believe you are entitled to. (2-4-702(2)(b) MCA)

A sample copy of a Petition for Judicial Review is enclosed as Sample Form A.

3. You must file your Petition for Judicial Review in District Court within 30 days after service of the CSED's final agency decision. This time period commences the day after the date indicated in the Certificate of Mailing portion of the agency decision. After calculating the 30 days, add an additional 3 days to compensate for the agency decision being served by mail.

A petition for judicial review is an original action and may not be filed under a pre-existing cause number or joined with any other action. (40-5-253(3) MCA) You must file your petition either:

- a. in the District Court for the county where you reside or have your principal place of business, or
- b. in the District Court for the county where the CSED maintains its principal office, which is in Lewis and Clark County.

You must serve copies of the petition on the CSED and all parties of record within 30 days after the petition is filed. (2-4-702(2)(a) & 40-5-253(4) MCA)

- (i) When filing your Petition for Judicial Review, you will have to submit to the District Court a filing fee of \$120.00 (this is the standard fee, regardless of which District Court you file in). In some limited instances, the Court may waive the filing fee based on inability to pay. You may want to ask the Clerk of Court about this prior to filing your petition.

For your convenience, a listing of Montana cities, towns, counties and judicial districts as well as a listing of the address for each Montana judicial district court is attached.

- (ii) At the time you file your Petition with the Court, you also need to request that the Clerk of the District Court issue a Summons. (Rule 4(c), Montana Rules of Civil Procedure) A sample copy of a Summons is enclosed as Sample Form C.

4. The summons must be served under Rule 4, Montana Rules of Civil Procedure, upon the CSED and each party along with the petition for judicial review. The district court does not obtain jurisdiction unless service on all parties is within 30 days after the petition is filed with the district court. (40-5-253(4) MCA)

In order to serve the CSED, you must serve both the Attorney General and the CSED. You can formally serve these documents by having a process server or the sheriff serve them upon the Attorney General's office and the CSED and pay the costs associated with such service. Or, instead of formal service, you can request that the Attorney General's office and the CSED acknowledge service by mailing to each (via first class mail, postage prepaid) a copy of the summons, a copy of the petition, an original and one copy of a Notice and Acknowledgment, and a return envelope postage prepaid addressed to you. (Rule 4(d), Montana Rules of Civil Procedure)

In order to serve parties other than the CSED (such as the parent to whom support is owed or the parent who owes a support obligation), you can formally serve these documents by having a process server or the sheriff serve them upon the party. Or, instead, you can request that the party acknowledge service by mailing to each (via first class mail, postage prepaid) a copy of the summons, a copy of the petition, an original and one copy of a Notice and Acknowledgment, and a return envelope postage prepaid addressed to you.

A sample copy of a Notice and Acknowledgment is enclosed as Sample Form B.

5. The filing of a Petition for Judicial Review does not stop enforcement of the CSED's decision. The CSED or the court may order a stay, following notice to the affected parties and an opportunity for hearing. (2-4-702(3) MCA)
6. The CSED has 42 days to answer your petition. Individual respondents have 21 days to answer the petition. (Rule 12(a) Montana Rules of Civil Procedure)
7. a. Except as provided in 7.b. below, no new evidence will be considered by the Court. The court will conduct the review without a jury and will limit the review to the record at hand. (2-4-704(1) MCA)

The court will set a briefing schedule. A reference in a brief to the administrative record must be to specific pages of a particular part of the record. References to exhibits must be to the pages of the administrative transcript where the exhibit is identified, offered in evidence, and received or rejected. (40-5-253(5) MCA)

After briefs have been filed, and upon motion of a party, the court may order oral argument. (40-5-253(5) MCA)

- b. You may present additional evidence if:

- (i) you request permission from the court allowing you to present additional evidence, and
    - (ii) you show, to the satisfaction of the court, that the additional evidence is material and that there were good reasons why you did not present the evidence in the agency hearing. (2-4-703 MCA)
  - c. If the court allows additional evidence to be presented, the court may refer the case to the agency to hear the additional evidence; the agency may modify its findings and decision based on the evidence. (2-4-703 MCA)
- 8. You may obtain a review of the District Court's judgment, if you have been aggrieved by the District Court's order, by appealing to the Supreme Court within 60 days after entry of District Court's judgment. (2-4-711 MCA)

Address for Attorney General:  
Department of Justice  
Attorney General  
215 N Sanders, 3rd Floor  
P.O. Box 201401  
Helena, MT 59620

# SAMPLE FORM A

<sup>1</sup>A.B., Pro Se

[address]

[phone number]

[email]

2 JUDICIAL DISTRICT COURT, COUNTY

A.B.,

Petitioner,

Cause Number

**VS.**

# PETITION FOR JUDICIAL REVIEW

STATE OF MONTANA, DEPARTMENT  
OF PUBLIC HEALTH & HUMAN  
SERVICES, CHILD SUPPORT  
ENFORCEMENT DIVISION,  
Respondent.

\* \* \* \* \*

COMES NOW A.B., petitioner in the above entitled action, acting pro se, and hereby petitions the court, pursuant to the provisions of Section 2-4-702(2)(a), MCA, for review of the decision and order entered by the Child Support Enforcement Division on <sup>3</sup> . In support thereof, the Petitioner alleges as follows:

1. This court has jurisdiction over this action for the reason that the Petitioner is a resident of \_\_\_\_\_ County, Montana OR Petitioner's principal place of business is in \_\_\_\_\_ County, Montana OR Respondent's principal office is located in Lewis and Clark County, Montana. <sup>4</sup>

2. The Petitioner has been aggrieved because <sup>5</sup>

3. The Petitioner's substantial rights have been prejudiced because <sup>6</sup>

WHEREFORE, the Petitioner prays that the Court <sup>7</sup>

DATED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

A.B., Pro Se

---

## NOTES

<sup>1</sup> - Insert your name, address, telephone number, and email. "Pro Se" means you are not represented by an attorney.

<sup>2</sup> - This heading shows the title of the court in which you intend to file in. This title should contain the number of the Judicial District in which you wish to file AND the name of the county where the court is located. For example, if you wish to file in the Judicial District in Helena, your heading will be as follows:

FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

This heading showing the title of the court you're filing in should be at least eight lines down from the top of the page. Additionally, the body of the petition should be double spaced.

<sup>3</sup> - Enter the date of the decision and order.

<sup>4</sup> - Pick the jurisdictional/venue statement that corresponds to the county of the district court you wish to file in.

<sup>5</sup> - State the specific facts (from the record) which show the manner in which you were aggrieved.

<sup>6</sup> - State the specific grounds upon which your substantial rights have been prejudiced according to 2-4-704(2) MCA.

<sup>7</sup> - Specifically state what relief you want from the court.

# SAMPLE FORM B

<sup>1</sup>A.B., Pro Se

\_\_\_\_[address]\_\_\_\_

\_\_\_\_[phone number]\_\_\_\_

\_\_\_\_\_[email]\_\_\_\_\_

2 \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY

A.B.,

Petitioner,

Cause Number

**VS.**

STATE OF MONTANA, DEPARTMENT  
OF PUBLIC HEALTH & HUMAN  
SERVICES, CHILD SUPPORT  
ENFORCEMENT DIVISION,

Respondent.

NOTICE AND ACKNOWLEDGMENT OF  
RECEIPT OF SUMMONS AND  
PETITION FOR JUDICIAL REVIEW

\* \* \* \* \*

## NOTICE

To: 3

The enclosed summons and petition for judicial review are served pursuant to Rule 4(d)(3)(A) of the Montana Rules of Civil Procedure.

You may complete the acknowledgment part of this form and return one copy of the completed form to the sender within 20 days after the date it was mailed to you as shown below.

If you decide to complete and return this form, you must sign and date the acknowledgment. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return this form to the sender within 20 days after the date it was mailed to you as shown below, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and petition in any other manner permitted by law.

If you do complete and return this form, you (or the party on whose behalf you are being served) must answer the petition within 4 days after the date of



signature which you place on the acknowledgment below. If you fail to answer the petition within the foregoing \_\_\_\_<sup>4</sup> day period, judgment by default will be taken against you for the relief demanded in the petition.

I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons and Petition for Judicial Review will have been mailed on \_\_\_\_<sup>5</sup>.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Signature

ACKNOWLEDGMENT OF RECEIPT  
OF SUMMONS AND PETITION FOR JUDICIAL REVIEW

I declare, under penalty of perjury, that I received a copy of the summons and of the petition in the above captioned matter at

\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Relationship to Entity/Authority to Receive  
Service of Process

\_\_\_\_\_  
Date of Signature

NOTES

<sup>1</sup> - Insert your name, address, telephone number, and email.

<sup>2</sup> - This heading should be the same as the heading on your petition for judicial review.

<sup>3</sup> - Insert the name and address of the person to be served.

<sup>4</sup> - Insert 42 days if the acknowledgment is directed to a state agency and 21 days if it is directed to an individual respondent.

<sup>5</sup> - Insert the date and complete the next two lines (Signature and Date of Signature).

# SAMPLE FORM C

<sup>1</sup>A.B., Pro Se

\_\_\_\_[address]\_\_\_\_

\_\_\_\_[phone number]\_\_\_\_

\_\_\_\_[email]\_\_\_\_\_

<sup>2</sup> \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY

A.B.,

Petitioner,

Cause Number \_\_\_\_\_

**VS.**

# SUMMONS

STATE OF MONTANA, DEPARTMENT  
OF PUBLIC HEALTH & HUMAN  
SERVICES, CHILD SUPPORT  
ENFORCEMENT DIVISION,

Respondent.

\* \* \* \* \*

The State of Montana to the above-named respondent:

You are hereby summoned to answer the petition in this action which is filed in the office of the clerk of this court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the petitioner's attorney within \_\_\_<sup>3</sup> days after the service of this summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the petition.

Witness my hand and the seal of said court, this \_\_\_\_ day of

\_\_\_\_\_,' \_\_\_\_\_.

Clerk, District Court

By: \_\_\_\_\_

( S E A L )

Deputy Clerk

## NOTES

<sup>1</sup> - Insert your name, address, telephone number, and email.

<sup>2</sup> - This heading should be the same as the heading on your petition for judicial review.

<sup>3</sup> - If the summons is to be served upon a state agency, insert 4 2 days. If the summons is to be served upon an individual respondent, insert 2 1 days as the response time.

## APPLICABLE MONTANA CODE ANNOTATED SECTIONS

**40-5-253. Administrative findings and order -- administrative remedies -- judicial review.** (1) It is the intent of this part that administrative findings and orders be subject to judicial review, but administrative remedies must be exhausted prior to judicial review. The administrative procedures described in this part are subject to review in the appropriate district court. Except as provided in subsections (3) through (5), the review must be conducted pursuant to the Montana Administrative Procedure Act. Upon a showing by the department that administrative remedies have not been exhausted, the district court shall refuse review until the remedies are exhausted.

(2) This part may not be construed to abridge or in any way affect the obligor's right to counsel during any and all judicial or administrative proceedings pursuant to this part.

(3) A petition for judicial review is an original action and may not be filed under a preexisting cause number or joined with any other action.

(4) A summons must be issued and served under Rule 4, Montana Rules of Civil Procedure, upon the child support enforcement division of the department and each party, along with the petition for judicial review. The division may be served through any of its employees. The district court does not obtain jurisdiction unless the petition for judicial review is served on all parties within 30 days after the petition is filed with the district court.

(5) The district court shall set a briefing schedule for a petition for judicial review. A reference in a brief to the administrative record must be to a particular part of the record, suitably designated, and to specific pages of that part of the record. Intelligible abbreviations may be used. A reference to an exhibit must be to the pages of the transcript on which the exhibit is identified, offered in evidence, and received or rejected. After briefs have been filed and upon motion of a party, the district court may order oral argument.

**2-4-702. Initiating judicial review of contested cases.** (1) (a) Except as provided in [75-2-213](#) and [75-20-223](#), a person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final written decision in a contested case is entitled to judicial review under this chapter. This section does not limit use of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by statute.

(b) A party who proceeds before an agency under the terms of a particular statute may not be precluded from questioning the validity of that statute on judicial review, but the party may not raise any other question not raised before the agency unless it is shown to the satisfaction of the court that there was good cause for failure to raise the question before the agency.

(2) (a) Except as provided in [75-2-211](#), [75-2-213](#), and subsection (2)(c) of this section, proceedings for review must be instituted by filing a petition in district court within 30 days after service of the final written decision of the agency or, if a rehearing is requested, within 30 days after the written decision is rendered. Except as otherwise provided by statute or subsection (2)(d), the petition must be filed in the district court for the county where the petitioner resides or has the petitioner's principal place of business or where the agency maintains its principal office. Copies of the petition must be promptly served upon the agency and all parties of record.

(b) The petition must include a concise statement of the facts upon which jurisdiction and venue are based, a statement of the manner in which the petitioner is aggrieved, and the ground or grounds specified in [2-4-704](#)(2) upon which the petitioner contends to be entitled to relief. The petition must demand the relief to which the petitioner believes the petitioner is entitled, and the demand for relief may be in the alternative.

(c) If a petition for review is filed pursuant to [33-16-1012](#)(2)(c), the workers' compensation court, rather than the district court, has jurisdiction and the provisions of this part apply to the workers'

compensation court in the same manner as the provisions of this part apply to the district court.

(d) If a petition for review is filed challenging a licensing or permitting decision made pursuant to Title 75 or Title 82, the petition for review must be filed in the county where the facility is located or proposed to be located or where the action is proposed to occur.

(3) Unless otherwise provided by statute, the filing of the petition may not stay enforcement of the agency's decision. The agency may grant or the reviewing court may order a stay upon terms that it considers proper, following notice to the affected parties and an opportunity for hearing. A stay may be issued without notice only if the provisions of [27-19-315](#) through [27-19-317](#) are met.

(4) Within 30 days after the service of the petition or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be required by the court to pay the additional costs. The court may require or permit subsequent corrections or additions to the record.

**2-4-703. Receipt of additional evidence.** If, before the date set for hearing, application is made to the court for leave to present additional evidence and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

**2-4-704. Standards of review.** (1) The review must be conducted by the court without a jury and must be confined to the record. In cases of alleged irregularities in procedure before the agency not shown in the record, proof of the irregularities may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

(2) The court may not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because:

(a) the administrative findings, inferences, conclusions, or decisions are:

- (i) in violation of constitutional or statutory provisions;
- (ii) in excess of the statutory authority of the agency;
- (iii) made upon unlawful procedure;
- (iv) affected by other error of law;
- (v) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record;
- (vi) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or

(b) findings of fact, upon issues essential to the decision, were not made although requested.

(3) If a petition for review is filed challenging a licensing or permitting decision made pursuant to Title 75 or Title 82 on the grounds of unconstitutionality, as provided in subsection (2)(a)(i), the petitioner shall first establish the unconstitutionality of the underlying statute.

**2-4-711. Appeals -- staying agency decision.** An aggrieved party may obtain review of a final judgment of a district court under this part by appeal to the supreme court within 60 days after entry of judgment. Such appeal shall be taken in the manner provided by law for appeals from district courts in civil cases. Unless otherwise provided by statute or unless the agency has granted a stay through the completion of

the judicial review process:

(1) if appeal is taken from a judgment of the district court affirming an agency decision, the agency decision shall not be stayed except upon order of the supreme court; except that, in cases where a stay is in effect at the time of the filing of notice of appeal, the stay shall be continued by operation of law for 20 days from the date of filing of the notice;

(2) if appeal is taken from a judgment of the district court reversing or modifying an agency decision, the agency decision shall be stayed pending final determination of the appeal unless the supreme court orders otherwise.

#### **Rule 4. Persons Subject to Jurisdiction; Process; Service.**

**(a) Definition of Person.** As used in this rule, the word "person," whether or not a citizen of this state, a resident of this state, or organized under the laws of this state, includes:

- (1) an individual, whether operating in the individual's own name or under a trade name;
- (2) an individual's agent or personal representative;
- (3) a corporation;
- (4) a limited liability company;
- (5) a business trust;
- (6) an estate;
- (7) a trust;
- (8) a partnership;
- (9) an unincorporated association;
- (10) any two or more persons having a joint or common interest or any other legal or commercial entity; and
- (11) any other organization given legal status as such under the laws of this state.

**(b) Jurisdiction of Persons.**

**(1) Subject to Jurisdiction.** All persons found within the state of Montana are subject to the jurisdiction of Montana courts. Additionally, any person is subject to the jurisdiction of Montana courts as to any claim for relief arising from the doing personally, or through an employee or agent, of any of the following acts:

- (A) the transaction of any business within Montana;
- (B) the commission of any act resulting in accrual within Montana of a tort action;
- (C) the ownership, use, or possession of any property, or of any interest therein, situated within Montana;
- (D) contracting to insure any person, property, or risk located within Montana at the time of contracting;
- (E) entering into a contract for services to be rendered or for materials to be furnished in Montana by such person;
- (F) acting as director, manager, trustee, or other officer of a corporation organized under the laws of, or having its principal place of business within, Montana; or
- (G) acting as personal representative of any estate within Montana.

**(2) Acquisition of Jurisdiction.** Jurisdiction may be acquired by Montana courts over any person:

- (A) through service of process as herein provided; or
- (B) by the voluntary appearance in an action by any person either personally or through an attorney, authorized officer, agent, or employee.

**(c) Summons.**

**(1) Issuance.** On or after filing the complaint, the plaintiff or the plaintiff's attorney must present a summons to the clerk for issuance. The clerk must issue and deliver a properly completed summons to the plaintiff or the plaintiff's attorney, who must thereafter deliver it for service upon the defendant as prescribed by these rules. Service of the summons must be accomplished within the times prescribed by Rule 4(t). Upon request, the clerk must issue separate or additional summons against any parties designated in the original action or any additional parties who may be brought into the action. Such separate or additional summons must also be served in the manner and within the times prescribed by these rules. The party requesting issuance of the summons bears the burden of having it properly issued, served, and filed with the clerk.

**(2) Form.**

(A) *Contents.* A summons must:

- (i) name the court and the parties;
- (ii) be directed to the defendant;
- (iii) state the name and address of the plaintiff's attorney or -- if unrepresented -- of the plaintiff;
- (iv) state the time within which the defendant must appear and defend;
- (v) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint;
- (vi) be signed by the clerk; and
- (vii) bear the court's seal.

(B) *Quiet Title Actions.* In an action to quiet title to real estate, the following must be added to the summons: "This action is brought to quiet title to land situated in \_\_\_\_\_ County, Montana, and described as follows: [Here insert descriptions of land]."

(C) *Statutory Exceptions.* Whenever a Montana statute, or a court order or citation issued pursuant thereto, provides for the service of a notice, order, or citation in lieu of summons upon any person, service shall be made under the circumstances and in the manner prescribed by the statute, order, or citation. Additionally, all persons are required to comply with the provisions of the following sections, when applicable:

- (i) 33-1-603 (service on unauthorized insurer doing business in Montana);
- (ii) 33-1-613 (service on an insurer through the commissioner of insurance);
- (iii) 33-1-614 (exemptions from service of process for certain insurers);
- (iv) 33-2-314 (where to bring suit against an insurer);
- (v) 33-2-315 (when the commissioner of insurance is appointed agent for service of process);
- (vi) 70-28-207 (how summons must read in a suit to quiet title to property granted to an heir of a deceased entryman);
- (vii) 70-28-208 (publication and posting of summons in a suit to quiet title to property granted to an heir of a deceased entryman);
- (viii) 70-28-209 (personal service of summons -- service by mail in a suit to quiet title to property granted to an heir of a deceased entryman); and
- (ix) 70-28-212 (time for the defendant to appear and answer in a suit to quiet title to property granted to an heir of a deceased entryman).

(D) *By Publication.* When service by publication is permitted pursuant to Rule 4(o), the published summons must also include a statement in general terms of the nature of the

action. When the action is one in which the title to, or any interest in or lien upon, real property is involved, affected, or brought into question, the published summons must also contain a description of the real property and a statement of the object of the action.

**(d) Service.**

**(1) *In General.*** The summons and complaint must be served together. The plaintiff must furnish the necessary copies to the person who makes service.

**(2) *In Person.*** Service of all process may be made in the county where the party to be served is found by a sheriff, deputy sheriff, constable, or any other person over the age of 18 not a party to the action.

**(3) (A) *By Mail.*** A summons and complaint may also be served by mailing via first class mail, postage prepaid, the following to the person to be served:

- (i) a copy of the summons and complaint;
- (ii) two copies of a notice and acknowledgment conforming substantially to form 18-A; and
- (iii) a return envelope, postage prepaid, addressed to the sender.

**(B)** A summons and complaint may not be served by mail to the following:

- (i) A minor;
- (ii) An incompetent person; or
- (iii) A corporation, partnership, or other unincorporated association, whether domestic or foreign.

**(C)** If no acknowledgment of service by mail is received by the sender within 21 days after the date of mailing, service of the summons and complaint must be made in person.

**(D)** If a person served by mail does not complete and return the notice and acknowledgment within 21 days, the court must order that person to pay the costs of personal service unless good cause is shown for not doing so.

**(E)** The notice and acknowledgment must be signed and dated by the defendant, and service of summons and complaint will be deemed complete on the date shown.

**(e) *Serving an Individual.*** An individual -- other than a minor or an incompetent person -- must be served by either:

- (1)** delivering a copy of the summons and complaint to the individual personally; or
- (2)** delivering a copy of the summons and complaint to an agent authorized by appointment or law to receive service of process. If the agent is one designated by statute to receive service, such further notice as the statute requires must be given.

**(f) *Serving a Minor over the Age of 14 Years.*** A minor over the age of 14 years must be served by either:

- (1)** delivering a copy of the summons and complaint to the minor personally and leaving a copy thereof at the minor's usual place of abode with some adult of suitable discretion also residing therein; or
- (2)** delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process.

**(g) *Serving a Minor under the Age of 14 Years.*** A minor under the age of 14 years may be served by delivering a copy of the summons and complaint to the minor's guardian within Montana. If the minor does not have a guardian within Montana, service of process must be delivered to any of the following:

- (1)** the minor's father;

- (2) the minor's mother;
  - (3) another person or agency having the minor's care, control, or with whom the minor resides; or
  - (4) another person or agency as provided by court order.
- (h) Serving an Incompetent Person.**
- (1) An incompetent person who has been adjudged of unsound mind by a Montana court or for whom a guardian has been appointed in Montana by reason of incompetency may be served by delivering a copy of the summons and complaint to the person's guardian, if such guardian resides in Montana, was appointed under Montana law, and is acting under Montana law. If there be no such guardian, the court must appoint a guardian ad litem for the incompetent person.
  - (2) When a party is alleged to be of unsound mind, but has not been so adjudged by a Montana court, process may be served personally upon that party.
  - (3) The court may also stay any action pending against a person on learning that such person is of unsound mind.
- (i) Serving a Business or Nonprofit Entity.**
- (1) For the purposes of this Rule, a business or nonprofit entity includes the following:
    - (A) a corporation;
    - (B) a limited liability company;
    - (C) a partnership;
    - (D) any other unincorporated association; and
    - (E) any business entity that has filed with the office of the secretary of state.
  - (2) Service is available under this rule for a domestic business or nonprofit entity, as well as a foreign business or nonprofit entity that either:
    - (A) has a place of business in Montana;
    - (B) does business in Montana permanently or temporarily; or
    - (C) was doing business in Montana permanently or temporarily at the time the claim for relief accrued.
  - (3) A business or nonprofit entity must be served by either:
    - (A) delivering a copy of the summons and complaint to:
      - (i) an officer;
      - (ii) a director;
      - (iii) a manager;
      - (iv) a member of a member-managed limited liability company;
      - (v) a superintendent;
      - (vi) a managing agent;
      - (vii) a general agent; or
      - (viii) a partner;
    - (B) leaving copies of the summons and complaint at the office or place of business within Montana with the person in charge of such office;
    - (C) delivering a copy of the summons and complaint to the registered agent named on the records of the secretary of state;
    - (D) delivering a copy of the summons and complaint to any other agent or attorney in fact authorized by appointment or by statute to receive or accept service on behalf of the business or nonprofit entity, provided that if the agent or attorney in fact is designated



by statute to receive service, further notice as required by the statute must also be given;  
or

(E) if the suit is against a business or nonprofit entity whose charter or right to do business in Montana has expired or been forfeited, by delivering a copy of the summons and complaint to its trustees or stockholders or members.

**(j) Serving a Corporation or Limited Liability Company When Persons Designated Under Rule 4(i) Cannot Be Found Within Montana.**

(1) This Rule applies when none of the persons designated in Rule 4(i) can be found within Montana with the exercise of due diligence, and a claim for relief is pending in any Montana court against the following:

(A) a corporation or limited liability company that has filed a copy of its charter in the office of the Montana secretary of state and is qualified to do business in Montana;

(B) a corporation or limited liability company which is subject to the jurisdiction of Montana courts under Rule 4(b), even though it has never qualified to do business in Montana; or

(C) a national banking corporation which, through insolvency or lapse of charter, has ceased to do business in Montana.

(2) The party causing summons to be issued shall exercise reasonable diligence to ascertain the last known address of any person designated under Rule 4(i).

(3) If, after exercising reasonable diligence, the party causing summons to be issued is unable to accomplish service, the following must be filed with the clerk of the court in which the claim for relief is pending:

(A) an affidavit reciting that none of the persons designated in Rule 4(i) can be found within Montana, as well as a recitation of either:

(i) the last known address of any person designated under Rule 4(i); or

(ii) a statement that no address for any person designated under Rule 4(i) could be found after the exercise of reasonable diligence; and

(B) \$10 deposited with the clerk to be paid to the secretary of state as a fee for each defendant for whom the secretary of state is to receive service. When service is requested at more than one address, an additional \$10 must be paid for each party to be served at each additional address.

(4) An affidavit filed pursuant to Rule 4(j)(3)(A) reciting that diligent inquiry was made is sufficient evidence of the diligence of inquiry. The affidavit need not detail the facts constituting such inquiry. The affidavit may also be combined in the same instrument with the affidavit required under Rules 4(o)(3)(A)(ii) and 4(p), should an affidavit under these Rules be required.

(5) Upon receiving the necessary affidavit and fees as required under Rule 4(j)(3), the clerk of court must:

(A) issue an order directing process to be served upon the Montana secretary of state or, in the secretary of state's absence, upon the Montana deputy secretary of state; and

(B) mail to the secretary of state at the office of the secretary of state:

(i) the original summons;

(ii) one copy of the summons and affidavit for the files of the secretary of state;

(iii) one copy of the summons attached to a copy of the complaint for each of the defendants to be served by service upon the secretary of state; and

(iv) the fee for service.

(6) (A) Upon receiving the materials required under Rule 4(j)(5)(B), the secretary of state must mail a copy of the summons and complaint by certified mail, return receipt requested, either:

- (i) to the last known address of any of the persons designated in Rule 4(i); or
- (ii) if the corporation or liability company is not organized in Montana and no address for a person designated under Rule 4(i) is known, to the secretary of state of the state in which the corporation or limited liability company was originally incorporated, if known.

(B) The secretary of state must also make a return as provided in Rule 4(p).

(7) Service made in accordance with this Rule is deemed personal service on the corporation or limited liability company and the secretary of state, or a deputy in the absence of the secretary of state, is thereby appointed agent of the corporation or limited liability company for service of process.

(8) (A) If a person designated in Rule 4(i) is located and served personally as provided by this Rule, service is deemed complete upon the corporation or limited liability company regardless of the receipt of any return receipt or advice by the postal authority of refusal of the addressee to receive the process mailed.

(B) If a person designated in Rule 4(i) is not located or served personally as provided by this Rule, service by publication must also be made as provided in Rules 4(c)(2)(D) and 4(o)(4). Such publication must first be made within 60 days from the date the original summons is mailed to the secretary of state. If such first publication is not made, the action shall be deemed dismissed as to any corporation or limited liability company intended to be served by such publication. Service by publication in accordance with this Rule is complete upon the date of the last publication of summons.

(9) When service of process is made in accordance with this Rule, and there is no appearance thereafter made by any attorney for such corporation or limited liability company, service of all other notices required by law to be served in such action may be served upon the secretary of state.

**(k) Serving a Local Government Entity.**

(1) For purposes of this Rule, a local government entity includes the following:

- (A) a city;
- (B) a village;
- (C) a town;
- (D) a school district;
- (E) a county; or
- (F) a public agency or board of any such entity.

(2) A local government entity must be served by delivering a copy of the summons and complaint to any of the following:

- (A) a commissioner;
- (B) a trustee;
- (C) a board member;
- (D) a mayor; or
- (E) a head of the legislative department thereof. Whenever an officer or employee of the local government entity is sued in an individual capacity for an act or omission occurring in connection with duties performed on the local government entity's behalf (whether or not the officer or employee is also sued in an official capacity), a party must

serve the local government entity and also serve the officer or employee under Rules 4(e), 4(f), 4(g), 4(h), or 4(n).

**(l) Serving the State.** The state, as well as any state board or agency, must be served by delivering a copy of the summons and complaint to the attorney general and any other party prescribed by statute. Whenever an officer or employee of the state is sued in an individual capacity for an act or omission occurring in connection with duties performed on the state's behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the state and also serve the officer or employee under Rules 4(e), 4(f), 4(g), 4(h), or 4(n).

**(m) Serving an Estate or Trust.**

**(1)** An estate must be served by delivering a copy of the summons and complaint to the personal representative.

**(2)** A trust must be served by delivering a copy of the summons and complaint to any of the trustees.

**(n) Personal Service outside Montana.**

**(1)** When a person cannot, with due diligence, be served personally within Montana, service may be made outside Montana in the manner provided for service within Montana. Such service has the same force and effect as though it had been made within Montana.

**(2)** Where service by publication is permitted, personal service of the summons and complaint upon the defendant outside Montana is equivalent to and dispenses with the procedures, publication, and mailing provided for in Rules 4(o)(3), 4(o)(4), and 4(o)(5).

**(o) Service by Publication.**

**(1) *When Permitted.*** A defendant who has not been served under the foregoing sections of Rule 4 can only be served by publication in the following situations:

(A) when the subject of the action is real or personal property in Montana in which the defendant has or claims an actual or contingent lien or interest, or the relief demanded consists wholly or partially in excluding the defendant from any interest therein;

(B) when the action is to foreclose, redeem from, or satisfy a mortgage, claim, or lien upon real or personal property within Montana;

(C) when the action is for dissolution, legal separation or a declaration of invalidity of a marriage of a Montana resident, or for modification of a decree of dissolution or order on custody, visitation, support, or a parenting plan granted by a Montana court; or

(D) when the defendant has property within Montana which has been attached or has a debtor within Montana who has been garnished. Jurisdiction under this subsection may be independent of or supplementary to jurisdiction acquired under Rules 4(o)(1)(A), 4(o)(1)(B), or 4(o)(1)(C).

**(2) *Effect of Service by Publication.*** When a defendant has been served by publication as provided in this Rule, any Montana court having jurisdiction may render a decree adjudicating any interest of such defendant in the status, property, or thing acted upon. Such a decree does not bind the defendant personally to the personal jurisdiction of the court unless some ground for the exercise of personal jurisdiction exists.

**(3) *Filing of Pleading and Affidavit for Service by Publication; Order for Publication.***

(A) Before service of the summons by publication is authorized, the following must be filed with the clerk of the district court of the county in which the action is commenced:

(i) a pleading setting forth a claim in favor of the plaintiff and against the defendant in one of the situations defined in Rule 4(o)(1); and

(ii) (a) in situations defined in Rules 4(o)(1)(A), 4(o)(1)(B), and 4(o)(1)(C), upon return of the summons showing the failure to find any defendant designated in the complaint, an affidavit stating that either:

1. such defendant resides out of Montana;
2. such defendant has departed from Montana;
3. such defendant cannot, after due diligence, be found within Montana;
4. such defendant conceals the defendant's person to avoid the service of summons;
5. the defendant is a business or nonprofit entity as defined in Rule 4(i)(1) of which none of the persons in Rule 4(i) can, after due diligence, be found within Montana; or
6. the defendant is an unknown claimant and the affiant has made diligent search and inquiry for all persons who claim or might claim any present or contingent right, title, estate, interest in, lien, or encumbrance upon such property or any part thereof, adverse to plaintiff's ownership, or any cloud upon plaintiff's title thereto, including any right of inchoate or accrued dower, and that the affiant has specifically named as defendants in such action all such persons whose names can be ascertained.

(b) Such affidavit is sufficient evidence of the diligence of any inquiry made by the affiant if it recites the fact that diligent inquiry was made. The facts constituting such inquiry need not be detailed.

(c) Such affidavit may be with the affidavit required under Rules 4(j)(3)(A) and 4(p), should an affidavit under these Rules be required.

(iii) In the situation defined in Rule 4(o)(1)(D), proof that a valid attachment or garnishment has been effected must first be presented to the court.

(B) Upon complying herewith, the plaintiff must obtain an order, issued either by the judge or clerk of court, for the service of summons to be made upon the defendants by publication.

**(4) Number of Publications.** Service by publication must be made by publishing the summons once a week for three successive weeks in a newspaper published in the county in which the action is pending or, if no newspaper is published in such county, then in a newspaper published in an adjoining county that has a general circulation therein.

**(5) Mailing Summons and Complaint.** A copy of the summons and complaint, at any time after the filing of the affidavit for publication but not later than 14 days after the first publication of the summons, must be mailed, postage prepaid, to the defendant at defendant's place of residence, unless the affidavit for publication states that the residence of the defendant is unknown. If the defendant is a business or nonprofit entity as defined in Rule 4(i)(1), and personal service cannot with due diligence be effected within Montana on any of the persons designated in Rule 4(i), then the secretary of state must be served pursuant to Rule 4(j).

**(6) Time When First Publication or Service outside Montana Must Be Made.** The first publication of summons or personal service of the summons and complaint upon the defendant out of Montana must be made within 60 days after the filing of the affidavit for publication. If not, the action must be dismissed as to any party intended to be served by such publication.

**(7) When Service by Publication or Outside Montana Complete.** Service by publication is complete on the date of the last publication of the summons or, in case of personal service of the summons and complaint upon the defendant out of Montana, on the date of such service.

**(p) Serving the Secretary of State.**

(1) Whenever service is to be made as provided in Rules 4(i) and 4(o)(5), the requirements of Rule 4(i) must be met.

(2) In all other cases, unless otherwise provided by statute, whenever the Montana secretary of state has been appointed, or is deemed by law to have been appointed, as the agent to receive service of process for any person who cannot with due diligence be found or served personally within Montana, the party or the party's attorney must file with the clerk of court in which the claim for relief is pending the following:

(A) an affidavit stating the facts showing that the secretary of state is such agent, as well as the residence and last known address of the person to be served;

(B) sufficient copies of the affidavit, summons, and complaint for service upon the secretary of state; and

(C) \$10 to be paid to the secretary of state as a fee for each of the defendants for whom the secretary of state is to receive service. Where service is requested at more than one address, an additional \$10 must be paid for each party to be served at each additional address.

(3) Upon receipt of the materials specified in Rule 4(p)(2), the clerk must forward to the secretary of state the following:

(A) the original summons;

(B) a copy of both the summons and the affidavit for the files of the secretary of state;

(C) a copy of the summons attached to a copy of the complaint for each of the defendants to be served by service upon the secretary of state; and

(D) the fee.

(4) Such service on the secretary of state is sufficient personal service upon the person to be served provided that either:

(A) notice of such service, a copy of the summons, and a copy of the complaint are sent from the secretary of state or a deputy to the party to be served at the party's last known address by registered or certified mail, marked "Deliver to Addressee Only" and "Return Receipt Requested." Either such return receipt purportedly signed by the addressee must be received by the secretary of state, or the postal authority must advise the secretary of state that delivery of the registered or certified mail was refused by the addressee, except in those cases where compliance is excused under the provisions of Rule 4(i). The date upon which the secretary of state receives either the return receipt or the advice of the postal authority is deemed the date of service; or

(B) the secretary of state, or a deputy, may cause a copy of the summons and complaint to be served by any qualified law enforcement officer in accordance with the applicable procedure from Rules 4(e)-(n).

(5) The secretary of state or a deputy must make an original and two copies of an affidavit reciting the following:

(A) the fact of service upon the secretary of state by the clerk of court, including the day and hour of such service;

(B) the fact of mailing a copy of the summons, complaint, and notice to the defendant, including the day and hour thereof, except in those cases where such mailing is excused under Rule 4(i), in which cases the affidavit must so recite; and

(C) the fact of receipt of a return from the postal department, including the date and hour thereof. A copy of such return must be attached to the affidavit.

(6) The secretary of state, or a deputy, must then transmit to the clerk of court the following, which the clerk must file in the claim for relief:

(A) the original summons;

(B) the original affidavit; and

(C) a copy of the notice to the defendant, when such notice was required.

(7) The secretary of state or a deputy must also transmit to the plaintiff's attorney a copy of the secretary of state's or deputy's affidavit, along with a copy of the notice to the defendant where such notice was required.

(8) The secretary of state must keep on file in the secretary of state's office copies of the following:

(A) the summons;

(B) the affidavit served on the secretary of state by the clerk of court; and

(C) a copy of the affidavit executed and issued by the secretary of state or a deputy.

(9) ***Continuance to Allow Defense.*** In any of the cases provided for in either this Rule or Rule 4(i), the court in which the claim for relief is pending may order any continuance necessary to afford a reasonable opportunity to defend the action.

(q) **Amendment.** Upon such notice and terms as it deems just, the court in its discretion may allow any process or proof of service thereof to be amended at any time, unless it appears that material prejudice would result to the substantial rights of the party against whom the process issued.

**(r) Proof of Service.**

(1) Proving service of the summons and the complaint or notice accompanying the same, if any, must be accomplished as follows:

(A) if by the sheriff or other officer, the sheriff's or other officer's certificate including the time, date, and place of service;

(B) if by any other person, that person's affidavit;

(C) if by publication, an affidavit of the publisher and an affidavit of the deposit of a copy of the summons and complaint in the post office as required by law, if deposited;  
or

(D) the written admission of the defendant showing the date and place of service.

(2) If service is made under Rule 4(d)(3), the sender must file with the court the acknowledgment received.

(3) Failure to make proof of service does not affect the validity of service.

(4) The required affidavit of service must state the time, date, place, and manner of service. When service is by a person other than the sheriff or person designated by law, the affidavit must also state that the person serving is of legal age and knew the person served to be the person named in the papers served and the person intended to be served.

**(s) Procedure Where Not All Defendants Served.**

(1) If the summons is served on one or more, but not all, defendants, plaintiff may proceed to trial and judgment against the served defendant(s).

(2) At any time thereafter, plaintiff may serve summons to cause the unserved defendant(s) to appear to show cause why the unserved defendant(s) should not be made a party to such judgment. The court must then hear and determine the matter in the same manner as if the unserved defendant(s) had been originally brought into court. The unserved defendant(s) must also be allowed the benefit of any payment or satisfaction made on the recovered judgment.

**(t) Time Limit for Issuance and Service of Process.**

(1) A plaintiff must accomplish service within three years after filing a complaint. Absent an appearance by defendant(s), the court, upon motion or on its own initiative, must dismiss an action without prejudice if the plaintiff fails to do so.

(2) A plaintiff who names a fictitious defendant in the complaint pursuant to section 25-5-103 may, within three years of filing the original complaint, amend the complaint to substitute a real defendant for the fictitious defendant. The three-year time period set forth in Rule 4(t)(1) begins to run as to the newly identified defendant from the date of the filing of the original complaint.

**Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing.**

**(a) Time to Serve a Responsive Pleading.**

(1) *In General.* Unless another time is specified by this rule or a statute, the time for serving a responsive pleading is as follows:

(A) A defendant must serve an answer within 21 days after being served with the summons and complaint, unless the court orders otherwise under Rule 4(c)(2)(C).

(B) A party must serve an answer to a counterclaim or crossclaim within 21 days after being served with the pleading that states the counterclaim or crossclaim.

(C) A party must serve a reply to an answer within 21 days after being served with an order to reply, unless the order specifies a different time.

(2) *State of Montana and Its Agencies, Officers, or Employees Sued in an Official Capacity.* The State of Montana, a state agency, or a state officer or employee sued only in an official capacity must serve an answer to a complaint, counterclaim, or crossclaim within 42 days after service on the attorney general.

(3) *State Officers or Employees Sued in an Individual Capacity.* A state officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the states behalf must serve an answer to a complaint, counterclaim, or crossclaim within 42 days after service on the officer or employee or service on the attorney general, whichever is later.

(4) *Effect of a Motion.* Unless the court sets a different time, serving a motion under this rule alters these periods as follows:

(A) if the court denies the motion or postpones its disposition until trial, the responsive pleading must be served within 14 days after notice of the courts action; or

(B) if the court grants a motion for a more definite statement, the responsive pleading must be served within 14 days after the more definite statement is served.

Clerk of the District Court  
Anaconda-Deer Lodge  
800 South Main  
Anaconda, MT 59711

Clerk of the District Court  
Beaverhead County Courthouse  
2 South Pacific  
Dillon, MT 59725

Clerk of the District Court  
Big Horn County Courthouse  
Box 908  
Hardin, MT 59034

Clerk of the District Court  
Blaine County Courthouse  
PO Box 969  
Chinook, MT 59523

Clerk of the District Court  
Broadwater County Courthouse  
515 Broadway Street  
Townsend, MT 59644

Clerk of the District Court  
Butte-Silver Bow County  
155 West Granite Street  
Butte, MT 59701

Clerk of the District Court  
Carbon County Courthouse  
PO Box 948  
Redlodge, MT 59068

Clerk of the District Court  
Carter County Courthouse  
PO Box 322  
Ekalaka, MT 59324

Clerk of the District Court  
Cascade County Courthouse  
415 Second Avenue North, Room 200  
Great Falls, MT 59401

Clerk of the District Court  
Chouteau County Courthouse  
PO Box 459  
Fort Benton, MT 59442

Clerk of the District Court  
Custer County Courthouse  
1010 Main Street  
Miles City, MT 59301

Clerk of the District Court  
Daniels County Courthouse  
PO Box 67  
Scobey, MT 59263

Clerk of the District Court  
Dawson County Courthouse  
207 West Bell Street  
Glendive, MT 59330

Clerk of the District Court  
Fallon County Courthouse  
PO Box 1521  
Baker, MT 59313

Clerk of the District Court  
Fergus County Courthouse  
PO Box 1074  
Lewistown, MT 59457

Clerk of the District Court  
Flathead County Courthouse  
920 South Main  
Kalispell, MT 59901

Clerk of the District Court  
Gallatin County Courthouse  
615 South Sixteenth, Room 302  
Bozeman, MT 59715

Clerk of the District Court  
Garfield County Courthouse  
PO Box 8  
Jordan, MT 59337

Clerk of the District Court  
Glacier County Courthouse  
512 East Main Street  
Cut Bank, MT 59427

Clerk of the District Court  
Golden Valley County Courthouse  
PO Box 10  
Ryegate, MT 59074

Clerk of the District Court  
Granite County Courthouse  
PO Box 399  
Philipsburg, MT 59858

Clerk of the District Court  
Hill County Courthouse  
315 Fourth Street  
Havre, MT 59501

Clerk of the District Court  
Jefferson County Courthouse  
PO Box H  
Boulder, MT 59632

Clerk of the District Court  
Judith Basin County Courthouse  
PO Box 307  
Stanford, MT 59479

Clerk of the District Court  
Lake County Courthouse  
106 Fourth Avenue East  
Polson, MT 59860

Clerk of the District Court  
Lewis and Clark County Courthouse  
228 Broadway Street  
Helena, MT 59601

Clerk of the District Court  
Liberty County Courthouse  
PO Box 549  
Chester, MT 59522

Clerk of the District Court  
Lincoln County Courthouse  
512 California Avenue  
Libby, MT 59923

Clerk of the District Court  
Madison County Courthouse  
PO Box 185  
Virginia City, MT 59755

Clerk of the District Court  
McCone County Courthouse  
PO Box 199  
Circle, MT 59215



Clerk of the District Court  
Meagher County Courthouse  
PO Box 443  
White Sulphur Springs, MT 59645

Clerk of the District Court  
Mineral County Courthouse  
PO Box 129  
Superior, MT 59872

Clerk of the District Court  
Missoula County Courthouse  
200 West Broadway  
Missoula, MT 59802

Clerk of the District Court  
Musselshell County Courthouse  
506 Main St  
Roundup, MT 59072

Clerk of the District Court  
Park County Courthouse  
414 East Calender Street  
Livingston, MT 59047

Clerk of the District Court  
Petroleum County Courthouse  
Box 226  
Winnett, MT 59087

Clerk of the District Court  
Phillips County Courthouse  
PO Box 530  
Malta, MT 59538

Clerk of the District Court  
Pondera County Courthouse  
20 Fourth Avenue SW  
Conrad, MT 59425

Clerk of the District Court  
Powder River County Courthouse  
PO Box 200  
Broadus, MT 59317

Clerk of the District Court  
Powell County Courthouse  
409 Missouri Avenue  
Deer Lodge, MT 59722

Clerk of the District Court  
Prairie County Courthouse  
PO Box 125  
Terry, MT 59349

Clerk of the District Court  
Ravalli County Courthouse  
205 Bedford Ste D  
Hamilton, MT 59840

Clerk of the District Court  
Richland County Courthouse  
201 West Main Street  
Sidney, MT 59270

Clerk of the District Court  
Roosevelt County Courthouse  
400 Second Avenue South  
Wolf Point, MT 59201

Clerk of the District Court  
Rosebud County Courthouse  
PO Box 48  
Forsyth, MT 59327

Clerk of the District Court  
Sanders County Courthouse  
PO Box 519  
Thompson Falls, MT 59873

Clerk of the District Court  
Sheridan County Courthouse  
100 West Laurel Avenue  
Plentywood, MT 59254

Clerk of the District Court  
Stillwater County Courthouse  
PO Box 367  
Columbus, MT 59019

Clerk of the District Court  
Sweetgrass County Courthouse  
PO Box 698  
Big Timber, MT 59011

Clerk of the District Court  
Teton County Courthouse  
PO Box 487  
Choteau, MT 59422

Clerk of the District Court  
Toole County Courthouse  
226 First Street South  
Shelby, MT 59474

Clerk of the District Court  
Treasure County Courthouse  
PO Box 392  
Hysham, MT 59038

Clerk of the District Court  
Valley County Courthouse  
501 Court Square #6  
Glasgow, MT 59230

Clerk of the District Court  
Wheatland County Courthouse  
PO Box 227  
Harlowton, MT 59036

Clerk of the District Court  
Wibaux County Courthouse  
PO Box 292  
Wibaux, MT 59353

Clerk of the District Court  
Yellowstone County Courthouse  
PO Box 35030  
Billings, MT 59107

# CITIES, TOWNS, COUNTIES & JUDICIAL DISTRICTS

CITY/TOWN	COUNTY	DISTRICT	CITY/TOWN	COUNTY	DISTRICT	CITY/TOWN	COUNTY	DISTRICT
Absarokee	Stillwater	22	Birney	Rosebud	16	Coalridge	Sheridan	15
Absher	Musselshell	14	Black Eagle	Cascade	8	Coalwood	Powder River	16
Acton	Yellowstone	13	Blackfoot	Glacier	9	Coffee Creek	Fergus	10
Achushnet	Fergus	10	Bloomfield	Dawson	7	Cohagen	Garfield	16
Agawam	Teton	9	Bonner	Missoula	4	Collins	Teton	9
Alberton	Mineral	4	Boulder	Jefferson	5	Colstrip	Rosebud	16
Albion	Carter	16	Bowers	Powder River	16	Columbia Falls	Flathead	11
Alder	Madison	5	Box Elder	Hill	12	Columbus	Stillwater	22
Alhambra	Jefferson	5	Boyd	Carbon	22	Comertown	Sheridan	15
Alpine	Carbon	22	Boyes	Carter	16	Condon	Lake	20
Alzada	Carter	16	Bozeman	Gallatin	18	Conner	Ravalli	21
Amsterdam	Gallatin	18	Brady	Pondera	9	Conrad	Pondera	9
Anaconda	Deer Lodge	3	Brandenberg	Rosebud	16	Content	Phillips	17
Andes	Richland	7	Bridger	Carbon	22	Cooke City	Park	6
Angela	Rosebud	16	Broadus	Powder River	16	Coram	Flathead	11
Antelope	Sheridan	15	Broadview	Yellowstone	13	Corinth	Big Horn	22
Apgar	Flathead	11	Brockton	Roosevelt	15	Corvallis	Ravalli	21
Archer	Sheridan	15	Brockway	McCone	7	Corwin Springs	Park	6
Arlee	Lake	20	Brooks	Fergus	10	Craig	Lewis & Clark	1
Armington	Cascade	8	Browning	Glacier	9	Crane	Richland	7
Armstead	Beaverhead	5	Brusett	Garfield	16	Creston	Flathead	11
Ashland	Rosebud	16	Buffalo	Judith Basin	10	Crow Agency	Big Horn	22
Augusta	Lewis & Clark	1	Busby	Big Horn	22	Crow Rock	Prairie	7
Austin	Lewis & Clark	1	Butte	Silver Bow	2	Culbertson	Roosevelt	15
Avon	Powell	3	Bynum	Teton	9	Cushman	Golden Valley	14
						Custer	Yellowstone	13
						Cut Bank	Glacier	9
Babb	Glacier	9	Camus	Sanders	20			
Bainville	Roosevelt	15	Cameron	Madison	5	Dagmar	Sheridan	15
Baker	Fallon	16	Camps Pass	Madison	5	Danvers	Fergus	10
Ballantine	Yellowstone	13	Canyon Creek	Lewis & Clark	1	Darby	Ravalli	21
Barber	Golden Valley	14	Canyon Ferry	Lewis & Clark	1	Dayton	Lake	20
Basin	Jefferson	5	Capitol	Carter	16	Dean	Stillwater	22
Bay Horse	Powder River	16	Cardwell	Jefferson	5	DeBorgia	Mineral	4
Bearcreek	Carbon	22	Carlyle	Wibaux	7	Decker	Big Horn	22
Bearmouth	Granite	3	Carter	Chouteau	12	Deer Lodge	Powell	3
Beehive	Stillwater	22	Cartersville	Rosebud	16	Dell	Beaverhead	5
Belfry	Carbon	22	Cascade	Cascade	8	Delphia	Musselshell	14
Belgrade	Gallatin	18	Cat Creek	Petroleum	10	Denton	Fergus	10
Belknap	Sanders	20	Chapman	Phillips	17	Devon	Toole	9
Belle Creek	Powder River	16	Charlo	Lake	20	Diamond City	Meagher	14
Belltower	Carter	16	Checkerboard	Meagher	14	Dillon	Beaverhead	5
Belmont	Golden Valley	14	Chester	Liberty	12	Divide	Beaverhead	5
Belt	Cascade	8	Chico Hot Springs	Park	6	Dixon	Sanders	20
Belton	Flathead	11	Chinook	Blaine	17	Dodson	Phillips	17
Benchland	Judith Basin	10	Choteau	Teton	9	Dooley	Sheridan	15
Bercail	Wheatland	14	Christina	Fergus	10	Dover	Judith Basin	10
Biddle	Powder River	16	Church Hill	Gallatin	18	Dovetrain	Petroleum	10
Big Arm	Lake	20	Circle	McCone	7	Drexel	Mineral	4
Bigfork	Flathead	11	Clancy	Jefferson	5	Drummond	Granite	3
Big Horn	Treasure	16	Clarkston	Gallatin	18	Dryhead	Carbon	22
Big Sandy	Chouteau	12	Cleveland	Blaine	17	Dunkirk	Toole	9
Big Sky	Gallatin	18	Cliff Lake	Madison	5	Dupuyer	Pondera	9
Big Timber	Sweet Grass	6	Clinton	Missoula	4	Dutton	Teton	9
Billings	Yellowstone	13	Clyde Park	Park	6			

Eagleton	Chouteau	12	Genou	Chouteau	12	Iron Mountain	Mineral	4
East Glacier	Glacier	9	Geraldine	Chouteau	12	Ismay	Custer	16
East Helena	Lewis & Clark	1	Geyser	Judith Basin	10			
Eddy	Sanders	20	Gildford	Hill	12	Jackson	Beaverhead	5
Eden	Cascade	8	Giltedge	Fergus	10	Jardine	Park	6
Edgar	Carbon	22	Glacier Park	Glacier	9	Jeffers	Madison	5
Edwards	Garfield	16	Glasgow	Valley	17	Jefferson City	Jefferson	5
Ekalaka	Carter	16	Glen	Beaverhead	5	Jefferson Island	Jefferson	5
Elliston	Powell	3	Glendive	Dawson	7	Jennings	Lincoln	19
Elmo	Lake	20	Glentana	Valley	17	Jens	Powell	3
Emigrant	Park	6	Goldcreek	Powell	3	Joliet	Carbon	22
Enid	Richland	7	Gold Stone	Hill	12	Joplin	Liberty	12
Ennis	Madison	5	Grant	Beaverhead	5	Jordan	Garfield	16
Epsie	Powder River	16	Grantsdale	Ravalli	21	Judith Gap	Wheatland	14
Essex	Flathead	11	Grass Range	Fergus	10			
Ethridge	Toole	9	Grayling	Gallatin	18	Kalispell	Flathead	11
Eureka	Lincoln	19	Great Falls	Cascade	8	Kendall	Fergus	10
Evaro	Missoula	4	Greenough	Missoula	4	Kevin	Toole	9
			Greycliff	Sweet Grass	6	Kila	Flathead	11
Fairfield	Teton	9				Kinsey	Custer	16
Fairview	Richland	7	Hall	Granite	3	Kirby	Big Horn	22
Fallon	Prairie	7	Hamilton	Ravalli	21	Klein	Musselshell	14
Farmington	Teton	9	Hammond	Carter	16	Kolin	Judith Basin	10
Ferdig	Toole	9	Hanover	Fergus	10	Kremlin	Hill	12
Fergus	Fergus	10	Happy's Inn	Lincoln	19			
Fife	Cascade	8	Hardin	Big Horn	22	LaHood	Jefferson	5
Fishtail	Stillwater	22	Harlem	Blaine	17	Lakeside	Flathead	11
Flatwillow	Petroleum	10	Harlowton	Wheatland	14	Lambert	Richland	7
Flaxville	Daniels	15	Harrison	Madison	5	Lame Deer	Rosebud	16
Florence	Ravalli	21	Hathaway	Rosebud	16	Landusky	Phillips	17
Floweree	Chouteau	12	Hauge	Mineral	4	Laredo	Hill	12
Forest Grove	Fergus	10	Havre	Hill	12	Larslan	Valley	17
Forks	Phillips	17	Haxby	Garfield	16	Laurel	Yellowstone	13
Forsyth	Rosebud	16	Hays	Blaine	17	Laurin	Madison	5
Fort Belknap	Chouteau	12	Heart Butte	Pondera	9	Lavina	Golden Valley	14
Fort Benton	Chouteau	12	Heath	Fergus	10	Lazy Days	Park	6
Fort Harrison	Lewis & Clark	1	Hedgesville	Wheatland	14	Ledger	Pondera	9
Fort Peck	Valley	17	Helena	Lewis & Clark	1	Lennepe	Meagher	14
Fort Shaw	Cascade	8	Helmville	Powell	3	Leroy	Blaine	17
Fort Smith	Big Horn	13	Heron	Sanders	20	Lewistown	Fergus	10
Fortine	Lincoln	19	Highwood	Chouteau	12	Libby	Lincoln	19
Four Buttes	Daniels	15	Hilger	Fergus	10	Lima	Beaverhead	5
Four Corners	Glacier	9	Hill	Liberty	12	Limestone	Stillwater	22
Fowler	Pondera	9	Hingham	Hill	12	Lincoln	Lewis & Clark	1
Francis	Gallatin	18	Hinsdale	Valley	17	Lindsay	Dawson	7
Franklin	Golden Valley	14	Hobson	Judith Basin	10	Living Springs	Wheatland	14
Frazer	Valley	17	Hodges	Dawson	7	Livingston	Park	6
Frenchtown	Missoula	4	Hodgeland	Blaine	17	Lloyd	Blaine	17
Froid	Roosevelt	15	Homestake	Jefferson	5	Locate	Custer	16
Fromberg	Carbon	22	Homestead	Sheridan	15	Lodge Grass	Big Horn	22
			Hot Springs	Sanders	20	Lodgepole	Phillips	17
Galata	Toole	9	Hughsville	Judith Basin	10	Loesch	Powder River	16
Galen	Granite	3	Huntley	Yellowstone	13	Logan	Gallatin	18
Gallatin Gateway	Gallatin	18	Huson	Missoula	4	Lohman	Blaine	17
Gardiner	Park	6	Hysham	Treasure	16	Lolo	Missoula	4
Garland	Custer	16	Hungry Horse	Flathead	11	Lolo Hot Springs	Missoula	4
Garneill	Fergus	10				Loma	Chouteau	12
Garrison	Powell	3	Ingomar	Rosebud	16	Lombard	Gallatin	18
Garryowen	Big Horn	22	Intake	Dawson	7	Lone Pine	Sanders	20
Gateway	Lincoln	19	Inverness	Hill	12	Loring	Phillips	17

Lothair	Liberty	12	Oilmont	Toole	9	Rivulet	Mineral	4
Lozeau	Mineral	4	Olive	Powder River	16	Roberts	Carbon	22
Lustre	Valley	17	Ollie	Fallon	16	Rock Springs	Rosebud	16
Luther	Carbon	22	Olney	Flathead	11	Rocky Boy	Blaine	17
			Opheim	Valley	17	Rollins	Lake	20
Madine	Fergus	10	Opportunity	Deer Lodge	3	Ronan	Lake	20
Madoc	Daniels	15	Oswego	Valley	17	Roscoe	Carbon	22
Malta	Phillips	17	Otter	Powder River	16	Rosebud	Rosebud	16
Manhattan	Gallatin	18	Outlook	Sheridan	15	Ross Fork	Fergus	10
Marion	Flathead	11	Ovando	Powell	3	Rotheimy	Golden Valley	14
Marsh	Dawson	7				Round Butte	Lake	20
Martin City	Flathead	11	Pablo	Lake	20	Roundup	Musselshell	14
Martinsdale	Meagher	14	Paradise	Sanders	20	Roy	Fergus	10
Marysville	Lewis & Clark	1	Park City	Stillwater	22	Rudyard	Hill	12
Maudlow	Gallatin	18	Peerless	Daniels	15	Russell	Chouteau	12
Maxville	Granite	3	Pendroy	Teton	9	Ryegate	Golden Valley	14
Mayville	Granite	3	Perma	Sanders	20			
McAllister	Madison	5	Philipsburg	Granite	3	Saco	Phillips	17
McCabe	Roosevelt	15	Phillips	Phillips	17	Shara	Golden Valley	14
McElroy	Sheridan	15	Pinesdale	Ravalli	21	St. Ignatius	Lake	20
McLeod	Sweet Grass	6	Plains	Sanders	20	St. Mary	Flathead	11
McRae	Big Horn	22	Plentywood	Sheridan	15	St. Regis	Mineral	4
Medicine Lake	Sheridan	15	Plevna	Fallon	16	St. Xavier	Big Horn	22
Medicine Spring	Ravalli	21	Polaris	Beaverhead	5	Saltese	Mineral	4
Melrose	Silver Bow	2	Polebridge	Flathead	11	Sandcoulee	Cascade	8
Melstone	Musselshell	14	Polson	Lake	20	Sanders	Treasure	16
Melville	Sweet Grass	6	Polytechnic	Yellowstone	13	Sand Springs	Garfield	16
Menard	Gallatin	18	Pompeys Pillar	Yellowstone	13	Santa Rita	Glacier	9
Merino	Judith Basin	10	Pony	Madison	5	Sappington	Gallatin	18
Mike Horse	Lewis & Clark	1	Poplar	Roosevelt	15	Savage	Richland	7
Mildred	Prairie	7	Portage	Cascade	8	Savey	Blaine	17
Miles City	Custer	16	Potomac	Missoula	4	Sayle	Powder River	16
Mill Iron	Carter	16	Powderville	Powder River	16	Schatz	Powell	3
Milltown	Missoula	4	Power	Teton	9	Scobey	Daniels	15
Miner	Park	6	Pray	Park	6	Seeley Lake	Missoula	4
Missoula	Missoula	4	Proctor	Lake	20	Shambo	Hill	12
Moccasin	Judith Basin	10	Pryor	Big Horn	22	Shawmut	Wheatland	14
Moiese	Missoula	4				Sheffield	Custer	16
Molt	Stillwater	22	Quietus	Big Horn	22	Shelby	Toole	9
Monarch	Cascade	8				Shepherd	Yellowstone	13
Monida	Beaverhead	5	Radersburg	Broadwater	1	Sheridan	Madison	5
Montague	Chouteau	12	Ramsay	Silver Bow	2	Shonkin	Chouteau	12
Montana City	Jefferson	5	Ranch Creek	Powder River	16	Sidney	Richland	7
Moore	Fergus	10	Rapelje	Stillwater	22	Silesia	Carbon	22
Moorhead	Powder River	16	Ravalli	Lake	20	Silver Bow	Silver Bow	2
Mosby	Garfield	16	Raymond	Sheridan	15	Silver Gate	Park	6
Moulton	Fergus	10	Raynesford	Judith Basin	10	Silver Star	Madison	5
Musselshell	Musselshell	14	Red Lodge	Carbon	22	Simms	Cascade	8
Myers	Treasure	16	Redstone	Sheridan	15	Simpson	Hill	12
			Reedpoint	Stillwater	22	Sioux Pass	Richland	7
Nashua	Valley	17	Regina	Phillips	17	Snider	Sanders	20
Neihart	Cascade	8	Reichle	Beaverhead	5	Somers	Flathead	11
Nevada City	Madison	5	Reserve	Sheridan	15	Sonnette	Powder River	16
Niarada	Sanders	20	Rexford	Lincoln	19	Southern Cross	Granite	3
Nibble	Yellowstone	13	Richey	Dawson	7	Springdale	Park	6
Nimrod	Granite	3	Richland	Valley	17	Square Butte	Chouteau	12
Nohly	Richland	7	Ridge	Carter	16	Stanford	Judith Basin	10
Norris	Madison	5	Ridgeway	Carter	16	Stark	Missoula	4
Noxon	Sanders	20	Rimini	Lewis & Clark	1	Stevensville	Ravalli	21
Nye	Stillwater	22	Ringling	Meagher	14	Stockett	Cascade	8

Straw	Fergus	10	Ulm	Cascade	8	Whitehall	Jefferson	5
Stryker	Lincoln	19	Ural	Lincoln	19	Whitepine	Sanders	20
Suffolk	Fergus	10	Utica	Judith Basin	10	White Sul. Springs	Meagher	14
Sula	Ravalli	21				Whitetail	Daniels	15
Sumatra	Rosebud	16	Valier	Pondera	9	Whitewater	Phillips	17
Sunburst	Toole	9	Vanada	Treasure	16	Whitlash	Liberty	12
Sun River	Cascade	8	Vandalia	Valley	17	Wibaux	Wibaux	7
Superior	Mineral	4	Van Norman	Garfield	16	Wickes	Jefferson	5
Swan Lake	Lake	20	Vaughn	Cascade	8	Willard	Fallon	16
Sweetgrass	Toole	9	Victor	Ravalli	21	Williams	Pondera	9
			Vida	McCone	7	Willow Creek	Gallatin	18
Tampico	Valley	17	Virgelle	Chouteau	12	Wilsall	Park	6
Tarkio	Mineral	4	Virginia City	Madison	5	Windham	Judith Basin	10
Teigen	Petroleum	10	Volborg	Custer	16	Winifred	Fergus	10
Telegraph Creek	Phillips	17				Winnett	Petroleum	10
Terry	Prairie	7	Wagner	Phillips	17	Winston	Broadwater	1
Thoeny	Valley	17	Walkerville	Silver Bow	2	Wisdom	Beaverhead	5
Thompson Falls	Sanders	20	Waltham	Chouteau	12	Wise River	Beaverhead	5
Three Forks	Gallatin	18	Warland	Lincoln	19	Wolf Creek	Lewis & Clark	1
Thurlow	Rosebud	16	Warm Springs	Deer Lodge	3	Wolf Point	Roosevelt	15
Toston	Broadwater	1	Warren	Carbon	22	Woodside	Granite	3
Townsend	Broadwater	1	Washoe	Carbon	22	Woodworth	Missoula	4
Tracey	Cascade	8	Waterloo	Madison	5	Worden	Yellowstone	13
Trail Creek	Flathead	11	Watkins	McCone	7	Wyola	Big Horn	22
Trego	Lincoln	19	Watson	Meagher	14			
Trident	Gallatin	18	Webster	Fallon	16	Yaak	Lincoln	19
Trout Creek	Sanders	20	Weldon	McCone	7	Yakt	Flathead	11
Troy	Lincoln	19	Westby	Sheridan	15			
Turner	Blaine	17	West Glacier	Flathead	11	Zero	Prairie	7
Tuscor	Sanders	20	W. Yellowstone	Gallatin	18	Zortman	Phillips	17
Twin Bridges	Madison	5	Wheeler	Valley	17	Zurich	Blaine	17
Two Dot	Wheatland	14	Whitefish	Flathead	11			

